

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

(Includes reference to PCT International Applications)

FROMMER LAWRENCE & HAUG, LLP  
File No.: 670001-2002.6

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural, names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

**NUCLEIC ACID FRAGMENTS DERIVED FROM M. TUBERCULOSIS**

the specification of which:

is attached hereto  
 was filed with/transmitted to USPTO on June 1, 2001 as:  
 United States Application Serial No. \_\_\_\_\_  
 as the National Phase or Continuation or Continuation-in-Part of PCT  
Application No. \_\_\_\_\_, filed \_\_\_\_\_,  
designating the U.S., and published as \_\_\_\_\_ on  
\_\_\_\_\_  
 with amendments through DATE EVEN HEREWITH AND/OR DATE OF EXECUTION HEREOF (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a) - (d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

| Country (or PCT) | Application Number: | Filed (Day/Month/Year) | Priority Claimed: |    |
|------------------|---------------------|------------------------|-------------------|----|
|                  |                     |                        | Yes               | No |
|                  | PA 1999 01020       | 13/July/999            | X                 |    |
|                  | PCT/DK00/00398      | 13/July/2000           | X                 |    |
|                  | PA 1997 01277       | 10/November/1997       | X                 |    |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/144,011                    15 July 1999  
60/070,488                    5 January 1998  
(Application Number)        (Filing Date)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or § 365 (c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

| <u>U.S. Serial No.:</u> | <u>Filed (Day/Month/Year)</u> | <u>PCT Application No.</u> | <u>Status (patented, pending, abandoned)</u> |
|-------------------------|-------------------------------|----------------------------|--|
|                         | 13/July/2000                  | PCT/DK00/00398             | PENDING                                      |
| 09/804,980              | 13/March/2001                 |                            | PENDING                                      |
| 09/615,947              | 13/July/2000                  |                            | PENDING                                      |
| 09/246,191              | 30/December/1998              |                            | PENDING                                      |

I hereby appoint Thomas J. Kowalski, Registration No. 32,147, and FROMMER LAWRENCE & HAUG, LLP or their duly appointed associates, my attorneys or agents, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

Thomas J. Kowalski, Esq.  
c/o FROMMER LAWRENCE &  
HAUG, LLP  
745 Fifth Avenue  
New York, NY 10151  
FAX (212) 588-0500

Direct all telephone calls to: (212) 588-0800  
to the attention of:  
Thomas J. Kowalski

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of first inventor: Peter **ANDERSEN**

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of third inventor: Li Mei Meng **OKKELS**

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of fourth inventor: Inger **BROCK**

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Citizenship: Denmark

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of fourth inventor: Thomas **OETTINGER**

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Citizenship: Denmark

Post Office Address(es) of inventors [if different from residence]: **SAME**

NOTE: In order to qualify for reduced fees available to Small Entities, each inventor and any other individual or entity having rights to the invention must also sign an appropriate separate "Verified Statement (Declaration) Claiming [or Supporting a Claim by Another for] Small Entity Status" form [e.g. for Independent Inventor, Small Business Concern, Nonprofit Organization, Individual Non-Inventor].